LUKAS, NACE, GUTIERREZ & SACHSULLER

8300 GREENSBORO DRIVE, SUITE 1200 MCLEAN, VIRGINIA 22102 703 584 8678 • 703 584 8696 FAX

WWW.FCCLAW.COM

FILING DEPUT TOOR FLAMOWITZ*

RUSALLE D. LUKAS
DAVIDIL. NACE
THOMAS GUTIERREZ*
ELIZABETH R. SACHS*
DAVIDIA. LAFURIA
PAMELA L. GIST
TODD SLAMOWITZ*
BROOKS E. HARLOW*
TODD B. LANTOR*
STEVEN M. CHERNOFF*
KATHERINE PATSAS NEVITT*

CONSULTING ENGINEERS
ALI KUZEHKANANI
LEILA REZANAVAZ

OF COUNSEL

GEORGE L. LYON, JR.

LEONARD S. KOLSKY*

JOHN CIMKO*

J. K. HAGE III*

JOHN J. MCAVOY*

HON. GERALD S. MCGOWAN*

TAMARA DAVIS BROWN*

JEFFREY A. MITCHELL*

ROBERT S. KOPPEL*

MARC A. PAUL*

*Not Admitted in VA Writer's Direct Dial (703) 584-8660 rlukas@fcclaw.com

January 30, 2012

Mark J. Langer, Clerk
United States Court of Appeals for the
District of Columbia Circuit
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, N.W.
Washington, D.C. 20001-2866

FEB - 6 2012
FCC Mail Room

Dear Mr. Langer:

Transmitted herewith on behalf of Docomo Pacific, Inc. ("Docomo Pacific") are the original and three copies of its Petition for Review of the Report and Order and Further Notice of Proposed Rulemaking ("Order") issued by the Federal Communications Commission ("FCC") in WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, and WT Docket No. 10-208. Also enclosed are Docomo Pacific's Corporate Disclosure Statement and a check in the amount of \$450 payable to the Clerk of the Court of Appeals.

Please note that the United States Judicial Panel on Multidistrict Litigation has consolidated proceedings to review the Order with the United States Court of Appeals for the Tenth Circuit. Docomo Pacific has instituted this proceeding with the Court pursuant to 28 U.S.C. §§ 2342(1) and 2343 for transfer to the Tenth Circuit pursuant to 28 U.S.C. § 2112(a)(5)

Should any questions arise with respect to this matter, please direct them to the undersigned.

Russell D. Lukas

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

DOCOMO PACIFIC, INC.)
Petitioner,)
v.))
FERRINA COLO GRAVALETONA) Case No.
FEDERAL COMMUNICATIONS)
COMMISSION and	Agrely of a
UNITED STATES OF AMERICA,) Received & Inspected
	FFD
Respondents.	FCC Mall Boom
Superior supports 📤 properties yet in the Paris And	CC Mall Room

PETITION FOR REVIEW

DOCOMO PACIFIC, INC. ("DOCOMO PACIFIC") petitions the Court for review of the Report and Order and Further Notice of Proposed Rulemaking ("Order") issued by the Federal Communications Commission ("FCC") in WC Docket No. 10-90, GN Docket No. 09-51, WC Docket No. 07-135, WC Docket No. 05-337, CC Docket No. 01-92, CC Docket No. 96-45, WC Docket No. 03-109, and WT Docket No. 10-208. The Order was entered on November 18, 2011 and published in the Federal Register on November 29, 2011.

Petitions for review of the Order were consolidated in the United States Court of Appeals for the Tenth Circuit by the United States Judicial Panel on Multidistrict Litigation acting pursuant to 28 U.S.C. § 2112(a)(3). *See* Consolidation Order, Case MCP No. 108 (Dec. 14, 2011). Petitioner has instituted

this proceeding with the Court pursuant to 28 U.S.C. §§ 2342(1) and 2343 for transfer to the Tenth Circuit pursuant to 28 U.S.C. § 2112(a)(5).

Petitioner maintains that the FCC's decision in its Order is arbitrary and capricious, particularly as it affects insular areas, contrary to statute without record support, a departure from reasoned decisionmaking, and otherwise unlawful.

Petitioner therefore respectfully requests a court order that vacates, enjoins, and sets aside the Order and remands the matter to the FCC with appropriate instructions.

Respectfully submitted,

Russell D. Lukas David A. LaFuria Todd B. Lantor

LUKAS, NACE, GUTIERREZ & SACHS, LLP 8300 Greensboro Drive, Suite 1200

McLean, Virginia 22102

(703) 584-8678

Attorneys for Petitioner

January 30, 2012

UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

FED = 62012
FCC Mail Room

Received & Inspected

DOCOMO PACIFIC, INC.,) F
Petitioner,) FC
v.) Case No.
FEDERAL COMMUNICATIONS COMMISSION and UNITED STATES OF AMERICA,)
Respondents.)

CORPORATE DISCLOSURE STATEMENT

DOCOMO PACIFIC, INC. ("DOCOMO PACIFIC"), by its attorneys and pursuant to D.C. Cir. Rule 26.1, hereby submits the following disclosure statement:

DOCOMO PACIFIC is a Guam corporation. It is a 100%-owned subsidiary of DoCoMo Guam Holdings, Inc. ("DoCoMo Guam"), which is also a Guam corporation. DoCoMo Guam is a 100%-owned subsidiary of NTT DoCoMo, Inc. ("NTT DoCoMo"), a corporation formed under the laws of Japan. NTT DoCoMo is 61.96% owned by Nippon Telegraph and Telephone Corporation, a corporation also formed under the laws of Japan. No other publicly-held company has a 10% or greater ownership interest in DOCOMO PACIFIC.

DOCOMO PACIFIC provides wireless telecommunications services in Guam and the Commonwealth of the Northern Mariana Islands.

Respectfully submitted,

Russell D. Lukas David A. LaFuria Todd B. Lantor LUKAS, NACE, GUTIERREZ & SACHS, LLP 8300 Greensboro Drive, Suite 1200 McLean, Virginia 22102 (703) 584-8678

Counsel for Docomo Pacific, Inc.

January 30, 2012

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of January, 2012, I have filed the above and foregoing with the Clerk of the Court and have provided copies to the following by hand delivery:

Eric H. Holder, Jr. Attorney General U.S. DEPARTMENT OF JUSTICE 950 Pennsylvania Avenue, N.W. Washington, DC 20530

Marlene H. Dortch Secretary FEDERAL COMMUNICATIONS COMMISSION 445 12th Street, S.W. Washington, DC 20554

Austin Schlick
FEDERAL COMMUNICATIONS COMMISSION
Office of the General Counsel
Room 8-A741
445 12th Street, S.W.
Washington, DC 20554

James M. Carr Richard K. Welch FEDERAL COMMUNICATIONS COMMISSION 445 12th Street, S.W. Washington, D.C. 20554

Nancy C. Garrison Robert B. Nicholson U.S DEPARTMENT OF JUSTICE 950 Pennsylvania Avenue, N.W. Room 3224 Washington, D.C. 20530

Joseph S. Mirshak